

UNITED STATES DISTRICT COURT-DISTRICT OF NEW HAMPSHIRE

CASE #: 1:22-cv-00264-SE

NATALIE ANDERSON and ANDRE BISASOR, Plaintiffs

V.

PATRICK DONOVAN et. al., Defendants

NOTICE OF APPEAL TO THE FIRST CIRCUIT
OF THE DISTRICT COURT OF NEW HAMPSHIRE'S 8-3-23 FINAL JUDGMENT/ORDER OF
DISMISSAL

Notice of Appeal to the United States Court of Appeals for the First Circuit

1. The plaintiffs, Natalie Anderson and Andre Bisasor, appeals to the United States Court of Appeals for the First Circuit from the final judgment of the district court for the district of New Hampshire, entered in this case on 8/3/23.
2. The plaintiffs provide this notice of appeal as follows.
3. On 8/2/23 the district court, sua sponte, dismissed this case for failure to prosecute, as follows.

“08/02/2023 12 ORDER DISMISSING CASE (Case Closed). So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 08/03/2023)”
4. See **Exhibit 1** for district court order being appealed.
5. On 8/3/23 the district court clerk entered the order on the docket.
6. On 8/17/23, the plaintiffs requested an extension of time to file a motion to reconsider until 9/5/23.
7. On 8/17/23, the court granted the extension of time to file a motion to reconsider until 9/5/23.
8. On 9/1/23, the plaintiffs filed an Emergency MOTION to Extend Time to 9/20/23 EXPEDITED/EMERGENCY MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL [IF NECESSARY]
9. On 9/1/23, the district court granted the motion as follows: “ENDORSED ORDER granting 14 Motion to Extend Time. Text of Order: Granted. If the plaintiff files a motion for reconsideration on or before September 5, 2023, any notice of appeal must be filed within 30 days after the court decides the motion for reconsideration. If the plaintiff does not file a motion for reconsideration on or before September 5, 2023, the deadline to file a notice of appeal remains September 5, 2023. So Ordered by Judge Samantha D. Elliott.(vln) (Entered: 09/01/2023).”
10. Hence, the district court ordered that the plaintiffs will have 30 days from date of district court’s decision to file a notice of appeal.
11. On 9/5/23, the plaintiffs filed a motion to reconsider. The district court has not yet ruled on the motion to reconsider. It has been 8 days since the filing of the motion to reconsider.
12. However, in the abundance of caution, the plaintiff are filing this notice of appeal, in order to preserve plaintiffs’ rights.
13. It is the plaintiffs’ understanding that the filing of this notice of appeal immediately confers jurisdiction on the first circuit upon the filing of this notice of appeal, and so the first circuit now has jurisdiction.
14. The plaintiffs will seek clarification from the first circuit whether the first circuit would like to grant permission for the district court to rule on the motion to reconsider.
15. The plaintiffs ask that the district court take note of this notice of appeal, docket this notice of appeal, and transfer the case to the first circuit immediately.

Respectfully submitted,

s/ Natalie Anderson

Natalie Anderson

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s/ Andre Bisasor

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Dated: 9-13-23

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Natalie Anderson, et al

v.

Case No. 22-cv-264-SE

Patrick Donovan, et al

ORDER OF DISMISSAL

In accordance with the provisions of Federal Rule of Civil Procedure 41(b), this case is dismissed with prejudice for plaintiffs' failure to comply with the court's orders and failure to prosecute.

SO ORDERED.



Samantha D. Elliott
United States District Judge

Date: August 2, 2023

cc: Natalie Anderson, pro se
Andre C. Bisasor, pro se